IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

LA.App..No. 35 of 2006()

LAR.283/1991 of SUB COURT, MAVELIKKARA

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APPELLANT: RESPONDENT:

STATE OF KERALA,
REPRESENTED BY ADDITIONAL GOVERNMENT PLEADER,
MAVELIKKARA.

BY GOVERNMENT PLEADER SHRI L.G.SURESH BABU

RESPONDENT: CLAIMANT:

SHAMEENA,
VELIYIL VEEDU, PEROOR KARANMA MURI,
THAMARAKKULAM, REPRESENTED BY POWER OF ATTORNEY
HOLDER, JAMALUDEEN SAHIB OF VELIYIL VEEDU,
PEROOR KARANMA MURI, THAMARAKKULAM.

BY ADV. SRI.T.H.ABDUL AZEEZ
SRI.P.ANOOP (MULAVANA)

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J

L.A.A.No.35 of 2006

Dated, this the 10th day of August, 2007

JUDGMENT

Heard. Admitted. Advocate Shri T.H.Abdul Azeez takes notice for the respondent.

2. This appeal is filed against the judgment and decree passed in L.A.R.No.283/1991 on the file of the Sub Court, Mavelikkara by which the court below granted an enhancement in the compensation based on Ext.A1 judgment. L.A.R.No.283/1991 was tried along with L.A.R.Nos.280/1991, 284/1991 and 285/1991. Challenging the decrees and judgments passed in L.A.R.Nos.280/1991, 284/1991 and 285/1991 L.A.A.Nos.478/1997, 487/1997 and 1098/1997 were filed before this Court. Challenging Ext.A1 judgment L.A.A.No.336/1993 was filed before this Court. That appeal was allowed; Ext.A1 judgment was set aside and the matter was remanded to the trial court for fresh disposal. In view of the judgment in L.A.A.No.336/1993 L.A.A.Nos.478/1997, 487/1997 and 1098/1997 were also allowed. The judgments and decrees passed in L.A.R.Nos.280/1991, 284/1991 and 285/1991 were set aside and those cases were also remanded. So this appeal is also only to be allowed.

In the result, this appeal is allowed. The impugned judgment and decree are hereby set aside. L.A.R.No.283/1991 is remanded to the Sub Court, Mavelikkara for fresh disposal in accordance with law. Both parties shall be given

a reasonable opportunity to adduce further evidence in support of their respective contention. Parties shall appear before the court below on 25.9.2007. Since the appeal is remanded without enquiry, the entire court fee paid by the appellant shall be refunded to it.

I.A.No.85/2006 will stand dismissed.

K. PADMANABHAN NAIR
JUDGE

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